

MINUTES
PAGE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
SEPTEMBER 21, 2010

Members Present: Johnny Woodward, Chairman, At Large
Robert Griffith, District 1
Larry Sours, District 2
J. D. Cave, District 3
Darrell Short, District 4
Jeff Vaughan, District 5

Staff Present: William C. Rolfe, Interim County Administrator
Michelle Somers, Zoning Administrator
Regina Miller, Executive Secretary

Media & Others Present: 20 County Employees & Citizens
Several High School Government Students
Kevin Seabrooke, *Page News & Courier*

Call to Order:

Chairman Johnny Woodward called to order the regular meeting of the Page County Board of Supervisors on September 21, 2010 at 7:00 p.m. at the Stanley Elementary School, noting a quorum was present. The Call to Order was followed by a Moment of Silence and the *Pledge of Allegiance*.

Adoption of the Agenda:

Chairman Woodward indicated that he had two items to add to the agenda under New Business: 1) Supplemental Auditing; and 2) Review of County Consultants. Supervisor Vaughan also indicated that he would like to add an Update on the Shenandoah Rescue Squad under Old Business.

Motion:

Supervisor Cave moved to approve the agenda, as amended. Supervisor Griffith seconded and the motion carried by a vote of 6-0. Aye: Griffith, Sours, Cave, Short, Vaughan, Woodward.

PUBLIC HEARINGS

Special Use Permit – Jon Phillips & Susan Zorn:

Chairman Woodward opened the public hearing on the special use permit for Jon Phillips and Susan Zorn at 7:07 p.m. Michelle Somers, Zoning Administrator, read the public hearing notice as follows:

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NOTICE OF PUBLIC HEARING

PAGE COUNTY BOARD OF SUPERVISORS
SPECIAL USE PERMIT REQUEST

NOTICE is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, as amended that the PAGE COUNTY BOARD OF SUPERVISORS shall hold a public hearing at 7:00 p.m. on September 21, 2010, at Stanley Elementary School, 306 Aylor Grubbs Ave., Stanley, VA, to receive public comments and to consider the following special use permit request by:

Mr. Jon Phillips & Ms. Susan Zorn, who own a parcel of land located at 278 Wynngate Dr., which is about 1 mile north of the Town of Luray, VA, and is further identified by tax map number 33-A-19G. The applicant is requesting a special use permit to operate a workshop as a home occupation in an accessory building, and that it be granted, as provided in Section 125-15B(1) of the Page County Zoning Ordinance on the above-referenced property.

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Mrs. Somers reported that the property is located on a private right-of-way, Wynngate Drive, which is part of the Whispering Hills Subdivision. The applicant is requesting a special use permit to operate a home occupation in an accessory building, and in accordance with Section 125-15B(1), home occupations in accessory buildings are allowed by special use permits in the A-1 zoning district. The workshop, she said, will be used for automotive repair and restoration and all the work being performed on the vehicles will take place inside the garage. The business is limited to a maximum of three employees, she said. Also outdoor storage of vehicles and parts will be prohibited. Access to the property will be by means of an existing driveway that accesses Wynngate Drive, which VDOT has approved since there are no plans for employees or the business being open to the public. In addition, the Health Department has no objections to the business. She noted that the original application was submitted for a commercial workshop, but then changed to a home occupation in an accessory building because the homeowner covenants would not permit such a business. Since the business is of a low intensity, the impact to the adjoining properties is minimal. There are 17 homeowners in the subdivision with two of them opposing this request. She said she feels that this home occupation is in conformance with the standards and policies of the 2009 Page County Comprehensive Plan and recommended approval with conditions. The Planning Commission also recommended approval by a vote of 7-0.

Supervisor Vaughan asked Mr. Phillips if he is in agreement with the special use permit conditions. Mr. Phillips replied that he agrees with the conditions. Supervisor Vaughan pointed out that the permit requires "any change of use or expansion will require a new special use permit". He said he wants to be sure Mr. Phillips understands that condition. Mr. Phillips said he has no problem with it. He did mention that the permit will curtail some business and not allow him to hire as many employees as he would like

and there will be some machinery he will not be able to use. Supervisor Vaughan expressed that the number of employees should not be restricted to three.

Supervisor Cave stated that the hours of operation will preclude Mr. Phillips from working beyond 7:00 p.m. He asked if he foresees wanting to be able to work in his shop at night. In addition, Supervisor Cave stated that all the work must be done inside the building and he would not be able to make a repair to a vehicle on a roll-back. He asked Mr. Phillips if he would like some modification to this condition in the permit. Mr. Phillips replied that this has never been an issue.

Supervisor Sours commented that since this establishment is in his District, he visited the site and was very impressed. He expressed that he was in favor of granting the permit.

Supervisor Short expressed concern with the County allowing this business. Mrs. Somers remarked that this would be a civil matter between the citizens in the subdivision. The covenants prohibit a business, but not a home occupation. In order to be in compliance with the ordinance, Mr. Phillips has to keep his business under 1,000 square feet.

Chairman Woodward asked if the issues with some of the residents have been resolved. Mrs. Somers said that two of the adjoining property owners are still opposing the permit.

Public Comments~

Lee McWhorter commented that he was in favor of the special use permit. He felt that this should be handled administratively rather than by a special use permit.

With no further comments, Chairman Woodward closed the public hearing at 7:35 p.m.

Motion:

Supervisor Sours moved to approve the special use permit application for a vehicle repair workshop for Jon Phillips and Susan Zorn. Supervisor Cave seconded and the motion carried by a vote of 6-0. Aye: Griffith, Sours, Cave, Short, Vaughan, Woodward.

Motion:

Supervisor Vaughan moved to modify the number of employees to five. There was no second to the motion. No vote was taken.

Mrs. Somers mentioned that the Zoning Ordinance would need to be amended to allow for five employees because the current home occupations section in the ordinance only allows for three employees.

Supervisor Vaughan then suggested that the Planning Commission review the number of employees for home occupations and report back to the Board.

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Special Use Permit- Jon Phillips & Susan Zorn
Approved by the Page County Board of Supervisors
Tax Map #33-A-19G

1. This special use permit is transferable and shall meet all requirements within the Page County Zoning Ordinance as well as any ordinance amendments for the period set forth within the parameters of this special use permit. The special use permit shall remain with the property for a period of thirty 30 years.
2. The business shall be in compliance with all County and State agency regulations.
3. Any change of use or expansion will require a new special use permit.
4. All work related to the business shall be performed inside the existing detached garage, including the storage of parts and vehicles, and within the dedicated area shown on the diagram submitted within the application, which is approximately 981 square feet.
5. The business is permitted a maximum of three employees.
6. The business is limited to repairing/restoring only eight (8) antique vehicles as defined by the Department of Motor Vehicles at a time, including storage.
7. Any business uses outside the repair realm of the special use permit, is not permitted.
8. Hours of operation shall be 7:00 a.m. through 7:00 p.m..
9. The Virginia Department of Transportation may require the entrance to be upgraded if safety, use, or maintenance of the existing entrance changes or traffic generation is more than what the applicant has projected.
10. This special use permit may be revoked upon material non-compliance with the terms of the permit or upon violation of any other relevant terms of the Zoning Ordinance. However, prior to the commencement of any action to revoke this permit, the County shall notify the permit holder in writing of the material non-compliance or violation and the permit holder shall have thirty (30) days thereafter to cure the material non-compliance or violation. The notice shall be deemed given when hand delivered to the permit holders or when mailed by certified mail, return receipt requested.
11. The Zoning Administrator or their designated representative may visit the site at any time to ensure compliance with the special use permit conditions.

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PUBLIC COMMENTS

Jo-Ann Smeltzer suggested that the Board call the state and federal legislators and request them to contact the Shenandoah Valley Electric Cooperative regarding their electric billing process and to speed the process to get the bills corrected. She said she receives calls everyday where people are upset about their expensive electric bills.

Supervisor Vaughan remarked that the Board appointed him as a liaison to the Shenandoah Valley Electric Cooperative Board of Directors and he brought up this topic at a recent meeting. He mentioned that the Luray Office is open with a staff to help address these issues. The Board of Directors, he said, meets monthly and he will deliver this message as well as the issue with outages.

Ms. Smeltzer continued with her comments. She said she understands that SCS Engineers will be on the agenda for the October 5th work session to give a presentation on the landfill. She asked if it would be possible for the citizens to be able to comment and ask questions after the presentation. Chairman Woodward stated that the questions will have to be put in writing and given to a Supervisor.

Terry May commented regarding the Shenandoah Rescue Squad. The Squad has been operating for 42 years with no problems. She said Mr. Vaughan became their District Supervisor in January and in February everything started to fall apart. She spoke with Supervisor Vaughan on August 19th after everyone was positive the squad would be running after the Board meeting on August 17th. She has asked him what it would take to get the squad running and he replied the resignation of Lowell Wright as President and David Huffman as Captain. The audit was good and the squad was in compliance so how could he stop the squad from running, and at that time, he replied by withholding access to the 911 system. In addition, she had asked him how he planned to force David Huffman to resign. Supervisor Vaughan had replied by keeping the doors shut on the squad. The Shenandoah Rescue Squad has EMT's and medics who can run IV lines and who have received lifesaving training. Who would dismantle this and replace it with a quickly put together squad? This is embarrassing to the community and taxpayers. Keep the personal issues out of this and put the safety of the community first. The squad's last inspection report was outstanding, she said. Ms. May then expressed appreciation to the members of the squad for their loyal commitment.

Marshall Hobson addressed the Board regarding the Shenandoah Rescue Squad. He handed the Board information regarding the membership of the squad and how it has decreased in the last five years. This squad was in turmoil five years ago and has gone from bad to worse, with the membership continually decreasing. In the last six months, the squad vehicles have sat idle and Dave Huffman has not faced the people but has hid behind a lawyer. The state and County have done their part to stand up for the good citizens of the Town. He said that Shenandoah Rescue Squad has no one to blame but themselves.

Lee McWhorter welcomed Mr. Rolfe as the Interim County Administrator. He then informed the Board of a matter where a young female employee of Page One transports a jail inmate back to the jail at the end of the day from Page One. He said the employee is not comfortable with it, but is afraid to complain. He felt that it should be the County's responsibility to transport the inmates.

Ikey Parks addressed the Board regarding the Shenandoah Rescue Squad. He said there is the possibility of forming a new rescue squad. From the State's perspective, Shenandoah Rescue Squad is cleared to run and answer calls, but several issues with the Squad and Page County continue to be and need to be resolved. After almost two years of miscommunication and disagreements, he talked with Supervisor Vaughan two weeks ago and he agreed to a roundtable discussion. Shenandoah Rescue Squad has had two constructive meetings with Supervisors Vaughan and Short, who both represent the squads run areas in District 4 and 5. The results, thus far, has brought them to the point of forming a broad and effective committee to work together with the Board of Supervisors. He said the newly formed Board intends to present their plan and goals to the Supervisors at the October meeting. He mentioned that he does not want to see an agency, which provides a free service closed and cost the County and its taxpayers far more than the current \$45,000 that is provided each year. This newly formed Board consists of charter, life, active members, and neutral citizens in the community. He thanked Supervisors Vaughan and Short for answering his call in the time of need.

ACTION MATTERS

VDOT Resolution – Deerfield Estates Subdivision:

Mrs. Somers explained that this Resolution is to VDOT requesting their acceptance of the Deerfield Estates Subdivision streets into the Virginia Department of Transportation's secondary road system. This is at the request of the Subdivision owner and VDOT.

Motion:

Supervisor Cave moved to adopt the Resolution. Supervisor Sours seconded and the motion carried by a vote of 6-0. Aye: Griffith, Sours, Cave, Short, Vaughan, Woodward.

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#10-26 RESOLUTION

WHEREAS, the street(s) described on the attached Addition Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Page County, and

WHEREAS, the representative for the Department of Transportation has advised this Board that the street(s) meet the requirement established by the Virginia Department of Transportation's Subdivision Street Requirements, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Addition Form LA-5(A) to the secondary system of state highways, pursuant to §33.1-229 Code of Virginia, and the Departments Subdivision Street Requirements, after receiving a copy of this resolution and all outstanding fees and documents required of the developer, whichever occurs last in time.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Department of Transportation.

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Resolution – Declaration of an Agricultural Emergency:

Mr. Rolfe informed the Board that the Extension Service is recommending that the County consider adopting a Resolution asking the Governor to declare Page County an agricultural disaster, due to the drought conditions. He said he included two letters in the agenda packet from the Extension Service outlining some of the effects of the drought. If the Governor approves it, then he will forward it to the Federal government. He said that there have been other localities throughout the State to take similar action.

Motion:

Supervisor Cave moved to approve the Resolution. Supervisor Short seconded and the motion carried by a vote of 6-0. Aye: Griffith, Sours, Cave, Short, Vaughan, Woodward.

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#10-25
RESOLUTION
Page County Disaster Relief

WHEREAS, the combined effect of below average rainfall and extreme heat has caused significant agricultural damage in the entire Northern Shenandoah Valley; and

WHEREAS, Virginia Cooperative Extension, working with the damage assessment teams, individual farmers, and partner USDA agencies including the Farm Service Agency, Natural Resource Conservation Service and Soil and Water Conservation District to complete a preliminary damage assessment for the Counties of Clarke, Frederick, Page, Warren and Shenandoah; and

WHEREAS, the preliminary damage assessment estimates significant crop loss for farmers in this region with particular loss of crops necessary as feed supply for livestock and the significant loss of pine and hardwood seedlings necessary for the forestation; and

WHEREAS, it is incumbent upon the Page County Board of Supervisors to act responsibly in an effort to help protect vital public interests including the economic viability of the County's agricultural economy and farmers that constitute the core of that economy.

NOW, THEREFORE, BE IT RESOLVED by the Page County Board of Supervisors that the County Administrator is directed to make a formal request of the Governor of Virginia that Page County be declared an agriculture disaster area and that any and all appropriate State and Federal disaster relief and assistance be made available to farmers in Page County.

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Peddling & Soliciting License Fee:

Mr. Rolfe explained that, as was discussed at the work session, a fee needs to be established for the peddler's license. The Treasurer, in working with the Sheriff, has recommended a non-refundable application fee of \$20.

Motion:

Supervisor Sours moved to approve the peddler's license fee of \$20. Supervisor Cave seconded and the motion carried by a vote of 6-0. Aye: Griffith, Sours, Cave, Short, Vaughan, Woodward.

Board and Commission Appointments:

Regina Miller, Executive Secretary, reviewed the Board and Commission appointments with the Board as follows:

Planning Commission:

Sandie Hammel has resigned as the District 5 representative on the Planning Commission. Another individual will need to be appointed to fill the unexpired term through January 11, 2013.

Supervisor Vaughan said he would like to defer this appointment because he is still trying to find an individual to serve.

Water Quality Advisory Committee:

The terms of John Graves, Charlie Hoke (Town of Luray's representative), Neil McKendry, and Alice Pence have expired. All four are interested in serving another three-year term on the Committee.

Motion:

Supervisor Vaughan moved to appoint John Graves, Charlie Hoke (Town of Luray's representative), Neil McKendry, and Alice Pence to the Water Quality Advisory Committee for three year term beginning September 10, 2010 and expiring on September 9, 2013. Supervisor Griffith seconded and the motion carried by a vote of 6-0. Aye: Griffith, Sours, Cave, Short, Vaughan, Woodward.

Board of Equalization:

Appointments will need to be made to the Board of Equalization prior to January 1, 2011. The Board will need to recommend appointees to the Circuit Court for appointment. In order to be eligible for appointment, each prospective member of such board shall attend and participate in the basic course of instruction given by the Department of Taxation. Pursuant to the Code of Virginia, the Board of Equalization shall be composed of not less than three or more than five members. Thirty percent of the members of the board shall be commercial or residential real estate appraisers, other real estate professionals, builders, developers, or legal or financial professionals, and at least one such member shall sit in all cases involving commercial, industrial or multi-family residential property, unless waived by the taxpayer. The term of the Board shall expire one year after the effective date of the assessment for which they were appointed.

Motion:

Supervisor Cave moved to recommend the appointment of Joe Bowman to the Board of Equalization. Supervisor Vaughan seconded and the motion carried by a vote of 6-0. Aye: Griffith, Sours, Cave, Short, Vaughan, Woodward.

CONSENT AGENDA

Motion:

Supervisor Sours moved to approve the consent agenda as follows:

- Financial reports for the period of August 1, 2010 through August 31, 2010;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$1,067,672.88;
- Minutes of July 20, 2010, August 3, 2010, August 4, 2010, and August 17, 2010.

Supervisor Vaughan seconded and the motion carried by a vote of 6-0. Aye: Griffith, Sours, Cave, Short, Vaughan, Woodward.

OLD BUSINESS

Update on Shenandoah Rescue Squad:

Supervisor Vaughan reported that there have been two meetings of the newly formed squad in Shenandoah. He said there has been productive and open dialogue with the current Shenandoah Rescue Squad members, citizens of District 5, and people who are interested in becoming a part of the new organization. He stated that in October the

group may report to the Board of Supervisors on the results of the meetings and the organization's structure. He said that he is pleased with the direction the group is moving.

NEW BUSINESS

Social Networking Policy:

Supervisor Short stated that he would like for the staff to review the addition of wording into the personnel policy on use of county time and equipment, relating to what the employees are allowed to do with regard to social networking such as Facebook, Twitter, and texting. He said he would hate to see the employees get caught up in inappropriate behavior with social networking.

Supervisor Cave said the Board may need to address this issue since it is prevalent in our society; however, the Board needs to guard against infringing upon First Amendment rights of expression.

Supplemental Auditing:

Chairman Woodward indicated that the Board had previously discussed an RFP for supplemental auditing services as was done in Cumberland County. He asked that the Board seek more information on this for further consideration. He then asked Supervisor Cave to find out more information for the supplemental auditing and report back to the Board at a work session.

Review of Consultants:

Chairman Woodward suggested that, before the Board begins the budget process again, he would like the Board to consider a committee of two Supervisors to review the consultants currently hired by the County regarding their fees, services, and if they are needed.

Supervisor Vaughan felt that this should fall under the responsibility of the County Administrator, instead of the Board micromanaging. When the Board gives direction to the County Administrator, he should bring a proposal to the Board before hiring a consultant.

Supervisor Sours added that, in the past, the County Administrator is the one who hires the consultants. He said he does not remember during his tenure on the Board where he has been told beforehand on the hiring of a consultant. He said he would support this proposal.

Mr. Rolfe stated that it may be simple for staff to compile a list of all contracts and consultants used by the County and bring it back to the Board for discussion at a work session.

Employee Dinner:

Chairman Woodward expressed that the Board needs to have an employee appreciation dinner to express gratitude for their work.

Supervisor Cave remarked that this has been done in the past and he feels that it is a good idea. The Board needs to vocalize their appreciation more than they do.

Supervisor Sours stated that the employees deserve it and he felt the Board should have a Christmas Dinner. Supervisor Vaughan supported the idea and felt it should be a motivation tool for the staff.

Motion:

Supervisor Sours moved to plan a Christmas Dinner for all county employees. Supervisor Griffith seconded and the motion carried by a vote of 6-0. Aye: Griffith, Sours, Cave, Short, Vaughan, Woodward.

SUPERVISORS TIME

Supervisor Griffith thanked the citizens who attended the meeting and recognized the high school seniors in attendance.

Supervisor Sours also thanked everyone for attending. He expressed appreciation to Jon Phillips for bringing a new business to the County.

Supervisor Cave thanked everyone for attending the meeting and he thanked the individuals who attended the recent Town Hall meeting in Stanley.

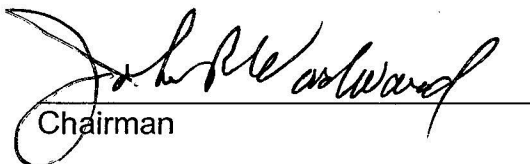
Supervisor Short echoed Supervisor Cave's remarks. He thanked the County employees who attended the meeting.

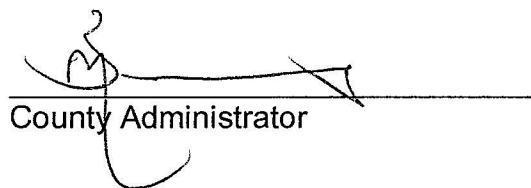
Supervisor Vaughan stated that he respected the comments made with regard to the Shenandoah Rescue Squad. He then thanked the County employees who serve the citizens and said he has a high level of respect for the staff. He noted that he plans to have a town hall meeting soon. Lastly, he said he will be attending the next Shenandoah Town Council meeting to discuss the property maintenance code.

Chairman Woodward thanked the EDA members for their service. He said he has a meeting with some economic development representatives and has a meeting scheduled with Mr. Robin Sullenberger of the Shenandoah Valley Partnership. He said the Supervisors are working for the people and he encouraged the public to call their Supervisors with problems.

Adjourn: 8:48 p.m.

With no further business, Chairman Woodward adjourned the meeting.


Chairman


County Administrator